REMARKS / DISCUSSION OF ISSUES

The present amendment is submitted in response to the Office Action mailed November 5, 2010. In view of the amendments above and the remarks to follow, reconsideration and allowance of this application are respectfully requested.

Status of Claims

Upon entry of the present amendment, claims 1-19 will remain pending in this application. Claim 1 has been amended. Applicants respectfully submit that no new matter is added by the present amendments.

Interview Summary

Applicants appreciate the courtesy granted to Applicant's attorney, Michael A. Scaturro (Reg. No. 51,356), during a telephonic interview conducted on Wednesday, February 2, 2010. During the telephonic interview, a proposed amendment to claim 1 was presented. The Examiner suggested that the term "activation" requires further clarification. Applicant's Attorney stated that the term "activation" was applicable to more than one embodiment and that the term "activation" could be further defined in claim 1 according to a first embodiment. Applicant's Attorney further suggested including an additional independent claim defining the term "activation" according to a second embodiment. With reference again to claim 1, Applicant's Attorney discussed a further proposed amendment to overcome the Chile reference. In particular, discussion turned to why Chile does not recite that the standard features are updatable whilst said one or more functionality devices is in proximity to the entertainment device. The Examiner stated that he appreciated the differences cited by Applicant's Attorney between claim 1 as amended and Chile. The Examiner further stated that he appreciated why the term "activation", as used in Claim 1, was not taught by the cited references, however, further search and consideration will be required.

Claim Rejections under 35 USC 103

In the Office Action, Claims 1, 3-5, 7-9, 12-13, and 18-19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Striemer et al. (U.S. Patent No. 6,931,463) in view of DeGeorge (U.S. Application No. 2003/0135868) and Chiles (U.S. Patent No. 6,581,157). This rejection is respectfully traversed.

Claims 1, 3-5, 7-9, 12-13, and 18-19 are allowable

It is respectfully submitted that independent claim 1, as herewith amended, is clearly patentably distinguishable over the combination of Striemer, DeGeorge and Chile. More particularly, the cited portions of Striemer, DeGeorge and Chile do not anticipate claim 1, because the cited portions of Striemer, DeGeorge and Chile fail to disclose every element of claim 1. For example, the cited portions of Striemer, DeGeorge and Chile fail to disclose or suggest,

> "...the entertainment device being operable to recognize the presence of the one or more functionality devices, and, upon recognition of said one or more functionality devices, the one or more functionality devices being externally activated, via a switch or button the one or more functionality devices, to provide external regulation on use of one or more additional functionality features to be performed whilst the one or more functionality devices is in proximity to the entertainment device,"

As best understood by Applicants, Striemer is directed to a method and system for providing non-native function to an electronic device that includes a first wireless interface. Specifically, Striemer describes a method for providing non-native function to an electronic device that includes a first wireless interface. The method comprising the steps of: (A) providing a portable companion device that comprises a second wireless interface that may communicate with the first wireless interface in the electronic device; (B) **activating the companion device due to physical proximity of the companion device to the electronic device;** (C) the electronic device outputting data in a first form to the first wireless interface; (D) the first wireless interface transmitting the data to the second wireless interface in the companion device; (E) the companion device receiving the data; (F) the companion device processing the data to a second form; (G) the companion device outputting the processed data to the second wireless interface; and (H) the second wireless interface transmitting the processed data to the first wireless interface in the electronic device.

It appears that Streimer teaches "activation" of a companion device based solely on physical proximity to the electronic device. In one embodiment of the invention, physical proximity of the functionality device to the entertainment device constitutes activation. See, applicant's application, WO 2005/011135, page 5, lines 19-23. Applicant's claim 1 is directed to a further embodiment in which "activation" requires more than mere presence. In particular, "activation" requires a user activating the functionality device via a switch or button. In other words, according to the claimed embodiment, once presence has been established, "activation" is effected via pushing a switch or button on the functionality device. Activation, via a push button or switch, according to this embodiment, causes the one or more functionality features to be made available to the electronic device. See, for example, Applicants published application, page 6, lines 12-17, where it is stated that: the functionality device 20 comprises...an associated activation button 22.... An activation button may be provided in a situation where the user prefers not to have access to the functionality features provided by the functionality button 22, but nevertheless prefers to keep the button 22 attached to its associated electronic device.

It is respectfully submitted that DeGeorge and Chiles do not remedy the deficiencies of Streimer.

It is respectfully submitted that independent claim 1, as herewith further amended, is clearly patentably distinguishable over the combination of Striemer, DeGeorge and Chile. More particularly, the cited portions of Striemer, DeGeorge and Chile do not anticipate claim 1, because the cited portions of Striemer, DeGeorge and Chile fail to disclose every element of claim 1. For example, the cited portions of Striemer, DeGeorge and Chile fail to disclose or suggest,

> "...the entertainment device being operable to perform <u>the</u> one or more additional functionality features associated with said one or more functionality devices and which are non-standard features of said entertainment device<u>,</u> <u>wherein the additional functionality features are performed whilst the one or more functionality devices is in proximity to the electronic device</u>.."
> (Emphasis Added)

As best understood by Applicants, Chiles is directed to a method and system for updating a non-volatile programmable memory in a device in a computing system with little or no user intervention. During initialization, a device driver is initialized. During initialization, the device driver checks the device version and compares the device version with an expected, updated device version. If the device needs to be updated to operate with the device driver, a memory image of the non-volatile memory in the updated device version is downloaded, or programmed into the non-volatile memory of the device. Before the device version is checked, the user may be queried as to whether to proceed with the upgrade. If the user responds in the negative, the upgrade may be performed using a graphical user interface (GUI) configuration application. The GUI configuration application checks the device version and updates the non-volatile memory with the update device version. See Chiles, Abstract.

Chiles further discloses that the version manager 232 calls the memory image converter 242 to convert the memory image in the non-volatile memory 160 to the updated memory image. The memory image converter 242 converts the memory image in the non-volatile memory 160 by downloading, or programming, the data that comprises the updated memory image to the non-volatile memory 160. In one embodiment, the memory image converter 242 includes an internal copy of the updated memory image 234 and downloads the copy to the non-volatile memory 160. In an alternative embodiment, an external copy of the updated memory image 182 is used by the memory image converter 242 to determine the data that is to be downloaded to the non-volatile memory 160 to convert it to the updated memory image. The external copy of the updated memory image 182 may be stored as a configuration file in the main file storage of the computing system 10. *See* Chiles, col. 10, lines 4-20.

It appears that Chiles discloses updating the device via download, or programming into the non-volatile memory of the device. In other words, the device to be updated is not in proximity to the device providing the updates.

It is respectfully submitted that independent Claim 9 has been amended to recite similar features as those of independent Claim 1.

Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) with respect to Claims 1 and 9 and allowance thereof are respectfully requested.

Claims 3-5, 7-8, 12-13, and 18-19 depend from one of independent Claims 1 and 9 and therefore include the claim limitations of their respective independent claims. Further, dependent Claims 3-5, 7-8, 12-13, and 18-19 recite additional patentable features. Accordingly, for at least the same reasons given above for the allowance of Claims 1 and 9, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to dependent Claims 3-5, 7-8, 12-13, and 18-19 and allowance thereof are respectfully requested.

Claims 2, 6, and 10-11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Striemer, DeGeorge, and Hiltgen in view of Henrie et al. (U.S. Patent No. 6,519,144). This rejection is respectfully traversed.

Claims 2, 6 and 10-11 are allowable

Claims 2, 6, and 10-11 depend from independent Claims 1 and 9 and therefore include the claim limitations found in Claims 1 and 9. Claims 2, 6, and 10-11 are allowable over the prior art of record for at least the same reasons presented above for the patentability of independent Claims 1 and 9. Additionally, Henrie does not address the deficiencies of Striemer, DeGeorge, and Hiltgen with respect to independent Claims 1 and 9. Further, dependent Claims 2, 6, and 10-11 recite additional patentable features. Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to dependent Claims 2, 6, and 10-11 and allowance thereof are respectfully requested.

Claims 2, 6 and 10-11 are allowable

Claims 14 and 17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Striemer, DeGeorge, and Hiltgen in view of Silvester et al. (U.S. Application No. 2003/0068034). This rejection is respectfully traversed.

Claims 14 and 17 depend from independent Claims 1 and 9 and therefore include the claim limitations found in Claims 1 and 9. Claims 14 and 17 are allowable over the prior art of record for at least the same reasons presented above for the patentability of independent

Claims 1 and 9. Additionally, Sylvester does not address the deficiencies of Striemer, DeGeorge, and Hiltgen with respect to independent Claims 1 and 9. Further, dependent Claims 14 and 17 recite additional patentable features. Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to dependent Claims 14 and 17 and allowance thereof are respectfully requested.

Claims 15 and 16 are allowable

Claims 15 and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Striemer, DeGeorge, and Hiltgen in view of Kelley et al. (U.S. Application No. 2004/0253944). This rejection is respectfully traversed.

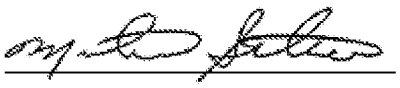
Claims 15 and 16 depend from independent Claims 1 and 9 and therefore include the claim limitations found in Claims 1 and 9. Claims 15 and 16 are allowable over the prior art of record for at least the same reasons presented above for the patentability of independent Claims 1 and 9. Additionally, Kelley does not address the deficiencies of Striemer, DeGeorge, and Hiltgen with respect to independent Claims 1 and 9. Further, dependent Claims 15 and 16 recite additional patentable features. Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to dependent Claims 15 and 16 and allowance thereof are respectfully requested.

Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1-19 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Mike Belk, Esq., Intellectual Property Counsel, Philips Electronics North America, at 914-333-9643.

Respectfully submitted,



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